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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 412th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 October 1997, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Czech Republic (CRC/C/11/Add.11): Core document (HRI/CORE/1/Add.71); List of issues (CRC/C/Q/CZE/1); Written replies by the Government of the Czech Republic concerning the list of issues (unreferenced document distributed at the meeting) (continued)

1. At the invitation of the Chairperson, the Czech delegation resumed its place at the Committee table.

2. The CHAIRPERSON called upon the Czech delegation to reply to the questions put to it at the previous meeting.

3. Mr. SOMOL (Czech Republic) gave some statistical information on State expenditure in various social fields. In 1996 the credits allocated for assistance to families amounted to 32 billion koruna (6 per cent of GDP). Even after allowing for inflation, those credits had been increasing for several years. The total amount of credits for education had also steadily increased, reaching 71.8 billion koruna in 1996 as compared with 22.2 billion in 1989. In addition, according to statistics published by the OECD - an organization of which the Czech Republic was proud to have recently become a member - in 1995 expenditure on education was the equivalent of 5.9 per cent of the country's GDP - a higher proportion than in at least 10 other OECD countries.

4. Mr. BISKUP (Czech Republic) stated that the health system had undergone a radical overhaul in 1993 and that it was now financed from several different sources. The expenditure met by the State was provided for in two chapters in the budget: the chapter concerning the Ministry of Health and that concerning institutions providing treatment, which were controlled by local authorities. The remaining expenditure was covered by medical insurance companies and contributions by individuals. Total expenditure on health care in 1995 amounted to 92 billion koruna - 14 per cent more than in 1984. In the latter year the health budget was the equivalent of 7.8 per cent of GDP.

5. Mr. KOLOSOV noted with satisfaction that the credits allocated to the fields mentioned represented a growing proportion of GDP. However, he wished to know what proportions of those resources were actually allocated to children.

6. Mr. BISKUP (Czech Republic) said that health-care expenditure for the under-18 age group had increased; taking 1994 expenditure as the base 100, the level had now reached 117. Statistical tables and graphs on the subject were at the Committee's disposal.

7. Ms. Vera JERABKOVA (Czech Republic), speaking on the subject of the relations between non-governmental organizations and the State, indicated that since 1990 the Czech Ministry of the Interior had registered over 500 civic or charitable associations; some of them worked in close cooperation with the ministries, and a considerable number received subsidies from the public purse without any control of their activities by the State. In 1997, 24 projects

had been started by NGOs or associations, some of them with State subsidies. In addition, NGOs and associations played an active part in nationwide political discussions on the subjects of concern to them. For instance, since July 1997 the Senate had been conducting a debate on legislative means of restricting violence in the media; associations and NGOs had taken part in the debate. A list of the NGOs and associations engaging in activities for the benefit of children was at the Committee's disposal. It was worth recalling that most of those associations did not necessarily have head offices in Prague and that some of them were even housed in small villages. It could therefore be said that the defence of the rights of the child was also ensured at the grass roots.

8. As regards the implementation of the plan of action adopted at the Stockholm Summit, the Czech Republic had not yet drawn up a national action plan; however, it was implementing a number of concrete programmes under the auspices of the competent ministries. For instance, a programme to combat delinquency among children and young people was currently in course of implementation, and the national committee consisting of representatives of different ministries and governmental agencies had drawn up a strategy to combat child delinquency which would continue until the year 2000. Those activities were thus in accordance with the recommendations of the Stockholm Summit.

9. Ms. Eva JERABKOVA (Czech Republic) added that one of the priorities of the anti-crime strategy was the prevention of juvenile delinquency. In that connection, by means of measures conducted in concert with the representatives of local authorities and associations, prevention activities were as far as possible adapted to the needs and the situation in each town (since the principal problems arose mainly in urban environments); they were also directed to high-risk regions such as those in which unemployment was high. Some of the programmes being implemented in the towns were directed to the prevention of inter-ethnic conflicts. In practice most of these were set up by associations and charitable organizations and by the social assistance services. One of those projects consisted in particular of assisting young Roma in the fields of training and leisure activities. There were currently 35 crime prevention projects being subsidized from the national budget (in 1996: 9).

10. Mr. SOMOL (Czech Republic), speaking on the subject of the follow-up to the Stockholm Summit, admitted that the Czech Republic had not drawn up a national plan of action in the form of a single document or programme. However, in his view, although form had its importance, what mattered most was the content and the scope of the measures taken following that Summit. Even in the absence of specific structures or plans, the Czech Ministries were working together in close cooperation. In such a context the idea of creating a Ministry for Children's Affairs - and consequently the withdrawal of all matters relating to children from the Ministries of Education, Health, Labour, etc. - would be difficult to put into practice and was not necessarily desirable.

11. Mrs. SARDENBERG considered that, even though the relationship between the Government and the associations was highly satisfactory, it was important to make that relationship official and to formalize it in order to demonstrate

clearly that members of civil society had a means of participating in public affairs and were consulted and listened to by the Government. As for the idea of a single ministry or body with responsibility for children's affairs, she had possibly been misunderstood. An institution of that kind was in no way necessary. What mattered most was that the administration should have a global approach to the situation of children and should rely in its work on coordination machinery and interministerial or other types of meetings. However, a national plan was an extremely useful tool for avoiding duplication of work and overlapping between ministries or between the different levels of administration, and also to define the general objectives set by the Government in the field of child protection. She therefore continued to urge the Czech Republic to prepare a national action plan and to organize campaigns to promote awareness of the rights of children.

12. Mr. SOMOL, referring to article 42 of the Convention, stated that the Czech authorities were taking measures and preparing programmes designed to make the principles of the Convention more widely known among professionals in the health, education and justice sectors and among the citizenry in general. After the meeting the Czech delegation would show the Committee a video cassette on the training given to police officers who might come into contact with children who had been victims of violence or sexual abuse.

13. Mr. CINK (Czech Republic) said that since 1989 the education system had been radically amended. Its principal features were currently decentralization of decision-making bodies, the abolition of political indoctrination in schools, a new method of financing, the autonomy of schools in matters relating to use of funds and recruitment of teachers and relative independence in the field of teaching methods. The Ministry of Education set the principal guidelines, which applied at three levels: educational standards (relating to the general objectives to be attained and compulsory schooling); the content of education (giving form to the general objectives and determining the structure of the three streams between which pupils in basic education could choose); and school syllabuses (the most concrete level). At all levels the authorities sought to give pupils a civic education based on the principles of human rights, including those proclaimed in the Convention.

14. The Ministry of Education had issued instructions recommending that teachers make use of the possibilities offered within the framework of the various disciplines taught to contribute to education in human rights and was assisting teachers in that field by means of an effective system of in-service training enabling teachers to acquaint themselves with the new teaching methods.

15. Mr. SOMOL (Czech Republic) said that the Ministry of Education and the Czech Government were endeavouring to devote a maximum of financial and human resources to education and to the protection and promotion of the child, and thus to give effect to the principles enshrined in the Convention. However, cooperation between the different ministerial departments was not always adequate. Consequently a new discussion would take place shortly on means of strengthening that cooperation in the most important fields.

16. As regards statistics, the different ministries collected data regularly and analysed them in order to keep up with developments in the country in their respective fields of competence. In addition, the National Statistical Office collected data of a general nature enabling analyses to be effected in greater depth. For example, the Ministry of Foreign Affairs would obtain the data it needed for the preparation of reports to bodies such as the Committee. Finally, he stated that responsibility for action to make the Convention widely known throughout the country was being taken up by local authorities, in particular through the intermediary of district education offices. The media also played an important role; particular mention had to be made of the State television networks, through which all families, even those in the most isolated villages, could be reached.

17. Mr. ZEMAN (Czech Republic) said that there was a service specializing in children's affairs in every district in the country. At the national level the Criminal Police Directorate was responsible for combating juvenile delinquency, offences against children and young persons, prostitution and drug-related offences. Police officers specializing in those matters were attached to the regional police departments.

18. Juvenile delinquency was not a new phenomenon in the Czech Republic; but the policy followed in recent years had certainly been too liberal, and statistics showed that there had been a significant increase in delinquency in general and juvenile delinquency in particular. For that reason, in pursuance of a government decree, specialists in criminal matters had been transferred to regional departments where there had previously been none. In addition, as instruction 4/95 for the guidance of police officers responsible for dealing with young delinquents had proved inadequate, a new directive (9/96) had been drafted in cooperation with the Ministry of Labour and Social Affairs. In that text specific reference was made to the Convention on the Rights of the Child. That directive required the police administration to give special training to police officers in the regional departments once a year; it also required regional administrations to give training to district police officers twice a year. The training was to cover a number of subjects and was to be imparted in cooperation with the staff of law-enforcement bodies and of the ministries concerned. Representatives of NGOs, social workers and judges were also invited to contribute to that training.

19. The police in South Moravia were experimenting with an idea outlined by a Californian paediatrician at a conference on Child Victims of Ill-Treatment held in 1993. They were using dolls - a boy and a girl, both without external genitalia - to make it easier for young children who had been abused or sexually assaulted and had communication problems in giving evidence. The experiment had been warmly welcomed by judges, investigators and social workers and had been generalized. An instruction concerning the manner of using those dolls had been issued, and a video cassette to serve in the training of police officers dealing with cases of that kind had been prepared.

20. Ms. Eva JERABKOVA (Czech Republic) emphasized that in criminal proceedings involving children the juvenile police strictly applied the provisions of article 102 of the Code of Criminal Procedure, which provides that, when witnesses under age 15 are being heard in cases the remembrance of which might have an unfavourable incidence on their mental or moral

development, the investigators should frame their questions with the utmost care in order to obviate the need for a further hearing in the later stage of the procedure except in cases of absolute necessity.

21. The CHAIRPERSON invited the members of the Committee to make comments and put questions relating to the definition of the child, general principles and civil rights and freedoms.

22. Mrs. PALME, speaking on the subject of cooperation with NGOs, stressed the importance of laying down precise rules to govern those relations and also to regulate coordination between the different administrations. She also asked whether the Czech Government had contemplated the establishment of an independent institution (such as a mediator for children) to complete the existing machinery.

23. Mrs. OUEDRAOGO sought clarification on the different age limits. Since the age of sexual consent was fixed at 15 years and that for the end of compulsory schooling at 16 years, she asked whether mothers or fathers under age 16 could complete their schooling in a normal manner. In addition, since abortion could be undertaken without parental consent from age 16 upwards, she asked what would occur in a case of a girl under age 16 who wished neither to continue her pregnancy nor inform her parents of her condition. She also observed that a child could undergo a medical examination without parental consent as from the age of 14 years; however, social security coverage beginning only at age 16, the child did not seem to be entirely free in that respect. She also asked whether, since the minimum age of employment was fixed at 14 to 15 years and the end of compulsory schooling at age 16, a child who found a job while 14 or 15 years of age could leave primary school to go and work, in which case he or she would not have completed the nine years of compulsory schooling. She also asked in what cases a court authorized the marriage of minors aged between 16 and 18 years, since the minimum legal age for marriage was 18 years. In conclusion, she asked whether there was not a case for harmonizing all those limits.

24. With regard to non-discrimination, it appeared that in practice Roma suffered from discrimination in fields such as education, housing and employment. She asked what steps the Government had taken both to ensure compliance with the legislation in force and to change the attitudes of the population towards the Roma.

25. She recalled the provision in Czech legislation on nationality to the effect that persons who could not obtain citizenship were granted the status of permanent resident without the right to vote or to enter the service of the Government, the army or the criminal police. That provision had been criticized as being incompatible with article 11.2 of the Universal Declaration of Human Rights. She asked whether that provision had been revised and would appreciate detailed information on the subject. She also asked what effect had been given to the recommendation by the Special Rapporteur on the sale of children, child prostitution and child pornography that national legislation should be revised in order to remove any possibility that children belonging to minority groups might be deprived of their citizenship and consequently of the protection of the law.

26. Mrs. KARP also asked for information on the possible creation of a post of mediator for the rights of the child. She also remarked that a "national coordination" body should be understood, not as a distinct office specifically responsible for implementation of the Convention in the field, but rather as supervisory machinery covering all agents responsible for implementation. She emphasized the importance of teaching through dialogue within the framework of a globally conceived educational system. She regretted that the core document forming part of the reports of States parties (HRI/CORE/1/Add.71) contained no statistics on children over 14 years of age; she wondered whether that omission might be due to shortcomings in the machinery for data collection.

27. Turning to the question of general principles, Mrs. Karp asked the Czech delegation to give examples of court decisions which genuinely took the best interests of the child into account. It would also be useful to know whether the opinions of children were taken into account in schools. Finally, she asked whether children could be represented in courts of law.

28. Mr. RABAH asked for further information on the role of the police, particularly in the field of protection of children. He asked whether preventive measures had been taken with regard to street children. He also regretted that corporal punishment was still in widespread use in the country, since an ill-treated child was likely to become a delinquent on reaching adult age. Finally, he asked whether juvenile delinquents were kept separate from adult delinquents and whether children received special treatment in detention.

29. Mrs. PALME asked for more detailed information on the different minority groups living in the territory of the Czech Republic. It would be useful to know, for example, if Roma children had access to schooling on an equal footing with all other children.

30. Mrs. SARDENBERG was seriously concerned by the situation of Roma children, among whom the mortality rate was apparently twice the national average. She wished to know more generally about the living conditions of those children. She asked whether they were kept marginalized or whether measures were being taken to integrate them into society. Turning to another subject, she noted with satisfaction that the directives drawn up for police officers took the Convention on the Rights of the Child into account. Finally, she asked for clarification of the concept of "extremism", which had been mentioned several times in the statements by the delegation.

31. Mr. SOMOL (Czech Republic) stated that there was unfortunately very little data available on the Romany minority, because during discussions within government and in parliament the Romany organizations themselves had requested that the practice of collecting data, which in their view discriminated against them, be discontinued. Consequently the data available (in particular on employment and unemployment in the Romany group) were extremely approximate, since they emanated, not from the Ministry of the Interior, but from an NGO. Addressing the subject of the creation of a post of mediator for the rights of the child, Mr. Somol stated that a heated debate on the subject was at present going on within the country; no consensus had so

far emerged, but the situation might well change in the future. Opinions on the subject were divided; but currently the existing control system was working satisfactorily within the country.

32. Turning to the subject of NGOs, he stated that they were increasing in number and that their activities were continually gaining in importance. Cooperation between NGOs and ministries was also being steadily developed, and it was not impossible that an institutional framework would be established in future years.

33. Mr. CINK (Czech Republic) explained that schooling was compulsory between ages 6 and 15 (9 years in all). No restrictions were imposed on girls who became pregnant during their upper secondary studies (between ages 15 and 19) and who wished to continue their studies; nor were there any restrictions with regard to children who had not completed their compulsory schooling after reaching age 16 (in particular, children who began primary schooling at age 7).

34. Mr. SOVAK (Czech Republic), replying to questions on penal law, stated that partial criminal responsibility began at age 15 and that it became entire at age 18. As regards protection against sexual abuse, acts prejudicial to the morality of minors under age 18 were punishable under article 217 of the Penal Code, while article 242 of the same code provided for penalties for persons having sexual relations with children under age 15. A committee on the reclassification of offences had received instructions to improve legislation in that particular field.

35. Mr. HOLUB (Czech Republic) stated that the age of civil majority was set at age 18. However, Czech legislation did not fix a minimum age for the conclusion of official legal formalities; for that purpose account was taken of the level of development attained by the child. The minimum age for marriage was set at 18 years but could be reduced to 16 years by decision of a court of law; in the majority of cases that measure was taken in cases of girls who had become pregnant. Paternal responsibility became effective at the age of majority. The new Family Act which was in course of drafting would deal with a number of points in that field, in particular regarding the right to give one's name to one's child, the age of consent for adoption and the age of recognition of paternity. Finally, the Labour Code authorized employment of young persons of age 15 or over provided that they had completed their compulsory schooling.

36. Mr. SOMOL (Czech Republic), in reply to Mrs. Ouedraogo's question on the harmonization of the minimum age limits laid down in legislation, stated that in his view that objective would be very difficult of attainment.

37. Mr. BISKUP (Czech Republic) offered further information on the protection of the health of children. At the end of 1996 there were 2,243 paediatricians practising in the Czech Republic (one for every 12,000 children and young persons) and that 97 per cent of them were working in the primary health-care sector. The Czech Republic was achieving excellent results in a wide variety of fields, including preventive care for adolescents, home visits, combating chronic diseases and the care of handicapped children. As regards cooperation with the family, he mentioned that persons responsible for

health care were deeply attached to the concept of infant-friendly hospitals. When a child under age 10 was hospitalized, the entire family could come to visit it, and its mother was allowed to remain with it all the time. At maternity hospitals every woman was given a health and vaccination booklet, which the child kept until it reached the age of majority.

38. Ms. Vera JERABKOVA (Czech Republic), referring to the situation of the 200,000 Romany people living in the Czech Republic, assured the members of the Committee that her Government was giving the highest priority to the problem. The Committee on Nationalities had just submitted an initial report stating the measures to be taken in that field. The report recommended in particular the creation of a government agency responsible for matters affecting the Romany community; that agency would be placed under the authority of the Prime Minister and be made up of representatives of approximately 10 ministries; it would have an independent budget and far-reaching powers in a variety of fields.

39. Mr. CINK (Czech Republic) offered some explanations of the situation of the Romany community in the educational system. He began by recalling that the Constitution of the Czech Republic established the right of all children, without any distinction whatsoever, to free education until they reached age 16 and that the legislative provisions guaranteeing equality of access to schooling and freedom of choice of school establishment applied unrestrictedly to Romany children. It was, however, true that 80 per cent of children belonging to that minority dropped out of school before completing their compulsory schooling; that only 3 per cent of them completed the second cycle of secondary education; and that barely 1 per cent obtained university degrees. Studies seeking to analyse the reasons for this situation and to find solutions had been going on for the previous three years. The low rate of school attendance was probably due to two factors. The first was of a linguistic nature (the language spoken by the Romany population was a mixture of German, Yiddish, Hungarian and Czech dialects and was not codified); the second was the negative influence of the family environment, which frequently gave greater consideration to economic success than to education. In an attempt to deal with the problem, the Ministry of Education had created preparatory classes (also known as zero-level classes) to prepare children aged 5, 6 or 7 from disadvantaged families for entry into the educational system. It was also endeavouring to convince the organizations representing the Romany community that they should accept their share of responsibility for the education of children. To that end it had published a guide describing in simple terms the measures to be taken to prepare children for schooling, to follow their progress in school and to facilitate their apprenticeship. The high level of failure at school among Romany children was possibly due to the fact that educational standards in the Czech Republic were relatively high. The Ministry of Education had therefore created alternative streams for children dropping out of general education after seven or eight years of studies to enable them to register in vocational training and apprenticeship institutions and thus to complete elementary education. In that field participation by the Romany community itself was essential.

40. Mr. FUCHS (Czech Republic), referring to the situation of the Romany population on the employment market, stated that the preamble of the 1991 Employment Act prohibited all discrimination in the employment field.

Consequently if cases of discrimination did occur they were due, not to acts committed by the State, but probably the actions of employers. Any person who considered himself a victim of discriminatory practices could apply to the Labour Office or institute court proceedings. That being said, Mr. Fuchs was not aware of any such cases. In his view the precarious situations of Romas in the employment market were due primarily to their lack of skills. Ninety-five per cent of them could only expect to obtain unskilled or relatively unskilled jobs, which accounted for only 6 per cent of vacancies. In addition, 10 per cent of the Romas in the employment market were between 15 and 18 years of age - 10 times the national average; the situation was even worse in regions where unemployment levels were very high on account of economic restructuring. In that connection it was regrettable that the possibilities of integrating Romas into the world of work should be still further restricted by their disadvantaged situation in the fields of health, language and general lack of ability to adjust within society. However, to remedy that situation the Government had since 1991 been pursuing an active policy to promote the employment of persons with low skill levels (but not of Romas as such, since such a measure would be perceived as a discriminatory practice). In particular, the State was financing programmes of assistance to recruitment and retraining. However, those measures had proved only about 60 per cent effective, since a number of the individuals who attended retraining courses left their new jobs after a short period if they considered that their remuneration had not increased sufficiently. In the circumstances the Ministry of Labour, in cooperation with a number of institutions and organizations concerned with the defence of the rights of the Romas, was drawing up a general policy document on long-term unemployment which would define priorities and plans of action designed to increase the skill levels of disadvantaged population groups and to facilitate their entry into working life. However, the implementation of those recommendations would require changes in attitudes among employees as well as among employers.

The meeting rose at 1.05 p.m.